REMARKS

I. Formal Matters.

Claims 3 and 5-10 are currently pending in this application. Claims 1, 2, 4, 6 and 11 are cancelled.

Applicant thanks the Examiner for acknowledging the claim to priority under 35 U.S.C. §119 and for confirming receipt of a certified copy of Applicant's foreign priority document. Applicant also appreciates the Examiner's indication of the acceptability of the drawings filed on February 17, 2005. In addition, Applicant thanks the Examiner for indicating that the amendments to the specification received February 17, 2005, are accepted by the Examiner.

Furthermore, Applicant thanks the Examiner for considering the references cited via the Information Disclosure Statements filed on June 1, 2001, and July 7, 2003, as evidenced by his return of initialled copies of Forms PTO-1449 and PTO/SB/08 A&B, respectively.

II. Claims.

Applicant appreciates the Examiner's withdrawal of the rejection of the claims under 35 U.S.C. §112 in view of the filing of the previous Amendment.

The Examiner rejects claims 1, 3, 6, 10 and 11 as allegedly being anticipated by *Meszko* (U.S. Patent No. 6,327,299) under 35 U.S.C. §102(e).

Claim 3. *Meszko* teaches that a signal from processor **54** may be used to set a time delay in either or both of delay circuits **50** and **52** in order to compensate for a difference in delay caused elsewhere..." (*Meszko* col. 3, lines 45-49; Fig. 1). *Meszko* broadly teaches that "... energy detector **94** will measure a signal characteristic of **a** signal produced in diversity branch **28**...*to produce a signal from processor 54 that is indicative of a difference in delay between first and second...signals*...in transmitter **20**" (*Meszko* col. 5, lines 55-60). *Meszko* describes multiple processes for measuring and adjusting the difference in delay of a first and a second signal (col. 5, line 66 - col. 8, line 44). For example, "...the process recovers...a first *time* reference" (col. 6, lines 53-55). A source for this time reference can be a pilot signal (col. 6, lines 58-59). In one embodiment, energy detector **94** measures energy on an unused Walsh channel (col. 6, line 66 - col. 7, line 1). Further, despreader **90** looks for energy on an unassigned channel and, in turn, no significant energy should be detected (by channel energy detector **94**) on such an unused channel if the delay between first and second signals is small (col. 7, lines 12-17; Fig. 1).

In contrast, claim 3 requires "a comparator receiving detection signals output from two detectors, comparing the detection signals and outputting a comparison signal..." and further, "the delay amount control circuit calculates an average amplitude of the comparison signal (and controls delay circuits) so that the average amplitude is equal to...a threshold value..." (claim 3). *Meszko* teaches multiple methods for measuring and adjusting the delay between two signals. *Meszko* specifically teaches detecting a difference in delay between two signals by measuring the

energy *on an unused channel.* However, *Meszko* fails to teach "a comparator receiving detection signals...*comparing the detection signals* and outputting a comparison signal..." and further, "the delay amount control circuit *calculates an average amplitude* of the comparison signal (and controls delay circuits) so that the average amplitude [of the comparison signal] is equal to...a threshold value..." (claim 3). *Meszko* teaches detecting the presence of energy on an unused channel as an indication of a difference in delay between two signals. *Meszko*, further discloses adjustments to reduce the difference in delay between two signals, and evaluating the effects the adjustment by subsequent energy level measuring on the unused channel.

At least for failing to provide the elements of "wherein said delay amount control circuit calculates an average amplitude of the comparison signal output from said comparator, and controls said delay circuits so that the average amplitude is equal to or lower than a threshold value", the alleged anticipation rejection of claim 3 by *Meszko* under 35 U.S.C. §102(e) should be withdrawn.

Claim 10 is asserted as being allowable at least by virtue of its dependence from an allowable claim.

III. Allowable Subject Matter.

The Examiner objects to claims "5-8", but indicates that they would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. *Applicant* assumes that "5-8" is a typographical error, and that only claims 5, 7

and 8 contain allowable subject matter in view of the rejection of claim 6 as being allegedly anticipated by *Meszko* under 35 U.S.C. §102(e) (FOA pages 4-5). Claims 5, 7 and 8 are presented in independent form and claim 6 is cancelled via this Amendment. Claim 9 is allowed (Office Action Summary).

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned at the local telephone number listed below.

The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any over-payments to said Deposit Account.

Respectfully submitted,

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